

# SENATE BILL REPORT

## SB 5971

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As Reported By Senate Committee On:  
Human Services & Corrections, February 23, 2007

**Title:** An act relating to analyzing and remedying racial disproportionality and racial disparity in child welfare.

**Brief Description:** Analyzing and remedying racial disproportionality and racial disparity in child welfare.

**Sponsors:** Senators Kauffman, Franklin, Sheldon, Shin, Kilmer, Hobbs, Kline, Kohl-Welles and Rasmussen.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/20/07, 2/23/07 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5971 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

**Staff:** Indu Thomas (786-7459)

**Background:** The United States Census Bureau maintains demographic data by state. The Children's Administration (CA) tracks the demographic data for the children in the care of CA, to the extent that it is known. The Juvenile Rehabilitation Administration (JRA) tracks demographic data for the children in its supervision. This data may include individuals who identify themselves as more than one ethnicity.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## Washington State Demographic Data

Ethnicity	% General Population of Washington	CA % in Care	CA Number in Care	JRA % Residential	JRA Number in Residence
African American	3.5 %	11 %	990	18.4 %	151
Caucasian	85 %	65.5 %	5,895	53 %	436
Hispanic or Latino	8.8 %	14 %	1,260	15.3 %	126
Multi-Racial	3.0 %	8.8 %	792	Not tracked	Not tracked
Native American or Alaskan Native	1.7 %	8.3 %	747	5.5 %	45
Asian/Pacific Islander	6.9 %	Not tracked	Not tracked	3.6 % (Asian)	30 (Asian)
Other or Not Reported	Not tracked	3.8 %	342	1.7 %	14

**Summary of Bill:** The Secretary of the Department of Social and Health services must convene an advisory committee to analyze and make recommendations on the disproportionate representation of children of color in Washington's child welfare and juvenile justice systems. The committee must collaborate with the Washington State Institute for Public Policy and private sector entities to develop a methodology for the committee to follow. The committee must examine and analyze the level of involvement of children of color at each stage of the state's child welfare and juvenile justice systems. If the results indicate that there is disproportionate impact or disparity with respect to any racial group or ethnicity, the Secretary must develop a remediation plan. A report must be provided to the Legislature by January 1, 2008. If a remediation plan is recommended, the Secretary must report to the Legislature regarding the implementation of the remediation plan on an annual basis.

### **EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Human Services & Corrections):**

- Re-organizes the committee membership:
  - Includes four legislators:
    - One from each caucus appointed by the president of the Senate;
    - One from each caucus appointed by the speaker of the House.
  - Adds a judicial officer.
- Governor's office to appoint all remaining members:
  - A representative who is an expert in social work, law, child welfare, psychology, or related fields;
  - At least two tribal representatives;

- A representative of a community-based organization involved with child welfare or juvenile justice issues;
  - A representative of the department of social and health services;
  - A current or former foster care youth;
  - A current or former foster care parent; and
  - A parent previously involved with Washington's child welfare or juvenile justice systems;
  - Adds a representative of the Governor's Juvenile Justice Advisory Committee.
- Directs the committee to appoint two co-chairs.
  - Requires that the committee analyze the family structures of families involved in the state's child welfare and juvenile justice systems
  - Requires that the committee provide an analysis of the impact that family structure has on disproportionate or disparate representation in the systems.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There are multiple and ongoing efforts to address disproportionate impact or disparity in the representation of children of color in the child welfare and juvenile justice systems. King County has been reviewing these impacts on a county level. This bill takes a look at these issues from a statewide perspective. This advisory committee will centralize the discussion and provide an opportunity to draw in additional resources from outside of the state. Making foster care work better for children of color will make it work better for all children. The state is faced with the difficult task of correcting deficiencies in its system. This bill is consistent with the direction of the Braam Implementation Plan and the findings of the federal audit.

This legislation will maintain a public policy interest and concern with the disproportionate impact on children of color in the child welfare system. Lower rates of reunification with their birth families, placement disruption, multiple placements and running away from care are problems which affect children of color more than other children in care. Racial disproportionality is understood only in its general outlines, it is far from clear which strategies will be the most effective; a better understanding and a political will to act are likely to go hand in hand rather than working in opposition. This is a complicated issue and not just based on one factor. The Chapin-Hall database has data for 11 or more states including 50 percent of children in foster care. Even when the information in this database is controlled for poverty there is disproportionate impact on minorities.

The bill could be improved by adding a Superior Court Judge and Juvenile Court Administrators to the committee. The Governor's Juvenile Justice Advisory Committee (GJJAC) is the designated Washington State advisory group under the Federal Juvenile Justice and Delinquency Prevention Act. In that role GJJAC is responsible for addressing the core requirements of the Federal Act. One of those requirements is to assess the representation of minority youth in the juvenile justice system and where disparity exists; GJJAC develops strategies to address the

disparity. The GJJAC looks forward to working with others to analyze and remedy racial disproportionality in the child welfare and juvenile justice system.

The numbers are staggering. There is a need to eliminate and eradicate the growing number of children of color in these systems. The situation is critical. Communities and government must work together to address the real problems of these children. There is real despair and hopelessness in these children. It is time to destroy the myth that parents in crisis do not care about a positive relationship with their children.

**Persons Testifying:** PRO: Senator Kauffman, prime sponsor; Representative Pettigrew; Paola Maranan, Children's Alliance; Dee Wilson, Northwest Institutions for Children and Families; Martha Harden-Cesar, Superior Court Judges Association, Washington Juvenile Court Administration; Mary Williams, Governor's Juvenile Justice Advisory Committee; Rev. Jimmie James A. Phillip Randolph Committee.